

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JAMES BONNER

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-293-DPJ-FKB

VICTOR MASON

RESPONDENT

ORDER

This action pursuant to 28 U.S.C. §2241 is before the Court on the Report and Recommendation [14] of Magistrate Judge F. Keith Ball.

On April 29, 2019, during his pretrial detention at Hinds County Detention Center, Petitioner James Bonner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Pet. [1] at 1. At the time Bonner filed the petition, he was awaiting a ruling from the Circuit Court of Hinds County, Mississippi, on his motion for bond review. *Id.* at 6. His petition asserted three grounds for challenging his detention: (1) “Petitioner is being denied his right to Due Process, by being denied his constitutional right to a speedy trial,” (2) “Petition [is] being denied Effective Assistance of Counsel,” and (3) “Petitioner’s detainment [is] illegal[] . . . due to state’s failure to indict.” *Id.* at 7. Bonner requested immediate release from custody. *Id.* at 8.

On September 9, 2019, Respondent Victor Mason filed a motion to dismiss [12]; Mason filed a supplement to his motion to dismiss [13] one month later. Bonner never responded to either. Judge Ball recommended granting Mason’s motion to dismiss, concluding that (1) relief under § 2241 was only available to “force the state to bring him to trial,” and not did not permit “dismissal of state charges and release based upon a violation of the right to a speedy trial”; (2) Bonner did not exhaust his state-court remedies as to his speedy trial claim; and (3) Bonner’s

petition is nonetheless moot because he has been released on bond pending trial. R&R [14] at 1–2. Bonner did not file an objection to the R&R, and the time to do so has passed.

The Court finds the Report and Recommendation [14] should be adopted as the opinion of the Court; Mason’s motion to dismiss is granted and the petition is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 2nd day of June, 2020.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE